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W.P.No.2106 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2106 of 2025

M/s.Hotel Saravana Bhavan,
19, Vadapalani Andavar Koil Street,
Vadapalani, Chennai - 600 026,
Represented by its partner,
R.Saravanan

.. Petitioner

Versus

The Regional Provident Fund Commissioner - I,
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Prohibition prohibiting the respondent from proceeding further in terms of order bearing Ref.No.TN/CHN-I/CC-II (PDC)/TNMAS0026280000/D-25/2024, dated 20.12.2024 bearing Dairy No.1664 of 2024 passed under Section 14B of the Act claiming contribution for the past period from September, 2015 to October, 2022 until the disposal



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of the appeal filed under Section 7-I of the Act bearing SR.No.6 of 2025.

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For Petitioner : Mr.S.Sankar and Mr.Tarun Gupta

For Respondent : Mr.L.P.Maurya,
Standing Counsel

ORDER

This Writ Petition is filed with a prayer to prohibit the respondent from proceeding further in terms of the order bearing Ref.No.TN/CHN-I/CC-II (PDC)/TNMAS0026280000/D-25/2024, dated 20.12.2024.

2. The case of the petitioner is that when, by the order impugned, the damages under Section 14B of the Employees' Provident Funds and Miscellaneous Act, 1952 are determined to the extent of Rs.16,88,76,347/-, it is open to the petitioner to approach the Appellate Tribunal by way of an appeal under Section 7-I of the Act. Accordingly, the appellant already filed an appeal in time in Diary No.1664 of 2024. Before the said appeal could be taken up and any orders with reference to interim stay are passed, on account



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of the non-availability of the Presiding Officer, the respondent authority is proceeding further.

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3. In view thereof, I am of the view that one opportunity should be given to the petitioner to move their appeal. Therefore, the matter is taken up for disposal at the admission stage itself.

4. *Mr.L.P.Maurya*, learned Standing Counsel takes notice for the respondent and on instructions, submit that the huge amount is there as arrears and this Court should consider directing them to deposit atleast 50% of the said amount.

5. However, in view of the nature of the relief that is granted, I am not inclined to impose any condition, but, the Writ Petition is disposed of on the following terms as the amount of pre-deposit has to be determined by the exercise of the powers of the Tribunal itself.



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6. This Writ Petition is disposed of on the following terms:-

(i) The petitioner, by producing a copy of this order and by filing a memo, shall mention to the Presiding Officer (incharge), to take up the appeal for consideration for grant of the interim orders and upon filing of such memo, as and when sitting is held by any incharge Presiding Officer in the Appellate Tribunal, the appeal of the petitioner shall be taken for consideration for passing of interim orders;

(ii) Until such date, when the Incharge Officer sits and takes up the matter, the respondent organisation shall not precipitate the matter further by taking any further coercive proceedings for recovering the amount;

(iii) All the contentions of both the parties are kept open to be submitted before the Appellate Tribunal;

(iv) There shall be no order as to costs.



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Neutral Citation : no

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grs

To

The Regional Provident Fund Commissioner - I,
Employees Provident Fund Organisation,
37, Royapettah High Road,
Chennai - 600 014.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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